

REMEDATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR

December 8, 2005

Seats Available for Remaining Phase I and AAI Rule Training

Some purchasers may obtain a Superfund liability exemption by conducting "All Appropriate Inquiry" (AAI) prior to purchasing a property. AAI is also required to maintain eligibility for federal brownfield grants at properties purchased by local governments. EPA's new rule, "Standards for Conducting All Appropriate Inquiries", becomes effective on November 1, 2006, and accepts ASTM's new E 1527-05 Standard for Phase I Environmental Site Assessment (ESA) as a method to satisfy AAI.

If you want to learn more, ASTM and DNR are conducting joint training. The remaining sessions are:

- **January 30 – February 1, 2006** in Appleton, and
- **February 6-8, 2006** in Milwaukee.

Attendees receive a copy of the final AAI rule, the new Phase I ASTM standard and the ASTM Standards for the Phase II ESA Process. The cost of the three-day course is \$895 with ASTM instructors and RR Program staff to discuss how Phase I and II ESAs are used by DNR.

Attendees at the first session in Eau Claire were very pleased with the content. One consultant called it "Comprehensive, practical, and well-timed! Very useful training for consultants performing ASTM ESAs for commercial real estate." A DNR staff member said: "I found the ASTM training course to be in-depth, useful, practical, and well worth the use of my time. I would strongly encourage anyone involved with ESAs to attend one of the ASTM training sessions."

For more information, including a course description and agenda, please see http://dnr.wi.gov/org/aw/rr/general/calendar_detail.htm#01-30

Time to Review Consultant Information for DNR Listing

We'd like to once again ask consultants to check information on our "Environmental Services Providers List". This basic listing is intended to help responsible parties locate consultants that do environmental investigation and cleanup in various parts of Wisconsin. Consultants who need to add or amend a business entry on the list should contact Megan Clemens at Megan.Clemens@dnr.state.wi.us by **December 14, 2005** to be included in the next version of this list. The listing is on the web at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR024.pdf>.

Can You Ever Average Soil Sample Results?

Consultants in the RR Program's Technical Focus Group have asked whether it is ever allowable to average the results of individual soil samples in order to determine the risk of direct contact with contaminated soil. The best way to deal with most soil contamination is to locate "hot spots", or source areas, for treatment or disposal. However, the question of averaging arises because human exposure to contaminated soil (e.g. an employee at an industrial facility) may occur over a wide area for a long period of time, not necessarily at the specific location where the most contaminated sample was collected.

There may be circumstances where it makes sense to average sample results, such as properties where the contaminants are clearly widespread and generally low and consistent in concentration, as well as similar situations where other methods have been employed to address the hot spots. The RR Program's *Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons (PAHs) Interim Guidance* indicates that use of the

95% upper confidence limit (UCL) on the arithmetic mean, rather than concentrations from discrete samples, may be the best way to estimate overall exposure. EPA's web site provides a program that may be downloaded to calculate the UCL. This program, which helps users understand whether or not the discrete sample results are appropriate for averaging, is at <http://www.epa.gov/esd/tsc/download.htm>.

Consultants may request that DNR project managers consider averaging of soil sample results for comparison to the table values in chapters NR 720 and 746, or for comparison to a site-specific residual contaminant level (RCL) proposed by the consultant. DNR strongly recommends that consultants obtain approval to use sample averaging prior to submitting a request for case closure by sending a separate request for technical assistance. This will avoid the time and expense involved in preparing a closure request that may not be approved. Such requests for sample averaging should be submitted to DNR's regional project manager, who will provide a written response upon payment of the \$500 fee required by chapter NR 749. Consultants may also consider using sample averaging to calculate background levels of some substances. In cases where the consultant wants to use the background level as the site-specific RCL, the background concentration must be determined using a DNR approved method as per s. NR 720.11(5)(b). The fee for review and approval of a background-based RCL is \$500 when this request is made before submittal of a case closure request.

Chapter NR 720, Soil Cleanup Standards, does not address averaging of soil sample results. The RR Program has decided to move forward with revisions to chapter NR 720 and expects to clarify sample averaging in the revised rule language. If you have questions about sample averaging, please contact Mark Gordon, DNR, at 608-266-7278 or at Mark.Gordon@dnr.state.wi.us.

For more information about the RR Program's Technical Focus Group, or to be added to this group, please contact Laurie Egre at Laurie.Egre@dnr.state.wi.us, or at 608-267-7560. The group meets quarterly and is open to anyone with an interest in the technical aspects of environmental investigation and cleanup.

Commerce Consolidates Brownfield Grants

The Department of Commerce has announced consolidation of their Brownfield grants. State and federal funds that were previously available through either Brownfield grants or Blight Elimination and Brownfield Redevelopment (BEBR) grants are now all available through a single application process called BEBR. Commerce staff will ensure that appropriate state or federal funds are disbursed to successful applicants, and recommend that all potential applicants contact them for more information before beginning a grant application. Commerce brownfield grant staff are:

- Jason Scott, 608-261-7714
- Al Rabin, 608-267-8926
- Sandy Herfel, 608-266-2435

GIS Fee Reminder

Please remember that fees to add sites to the GIS Registry of Closed Remediation Sites should be paid in the following manner:

- The check must be payable to "Wisconsin DNR".
- The check must be mailed to RR Program Assistant for the appropriate region.
- For checks sent to DNR for a case under Commerce jurisdiction, attach a copy of the first page of the closure form to the check so that we can credit it to the proper site.
- Include the site name and the BRRTS identification number in the "memo" line of the check.

Thanks for your help in efficient operation of the GIS Registry.

DNR and EPA Complete Sediment Cleanup in Superior

The state and federal funded cleanup of contaminated sediment in Newton Creek and Hog Island Inlet has been finished and the "No Swimming" signs have been removed. The \$6.3 million project in Superior was the second in the nation completed under the Great Lakes Legacy Act of 2002, a special initiative to clean up 31 pollution hotspots on the U.S. side of the Great Lakes. EPA and DNR removed 60,000 tons of sediment polluted by petroleum products and lead, which was disposed of in a lined cell at a regional landfill. This Legacy Act project was the final step in the cleanup of Newton Creek and Hog Island Inlet. For more information, please see <http://www.epa.gov/glla/hogisland>.